

## Remarks

This Revised Amendment is being filed in response to the Notice of Non-Compliant Amendment mailed December 19, 2008.

In the Notice of Non-Compliant Amendment, the Office notes that claim 9 was incorrectly listed as "Currently Amended." By this Response, the status of claim 9 has been changed to "Previously Presented," as claim 9 was not amended in the response filed July 22, 2008. This Amendment is identical to the Amendment filed on July 22, 2008, except for the status identifier of claim 9. Also, Applicant has removed the extraneous underlining in claims 4 and 13, which was inadvertently left from the previous Amendment filed on July 21, 2006.

The Remarks that follow have not been altered from the Amendment filed on July 22, 2008.

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-----Original Remarks-----

Claims 1, 20, 22 and 26 have been amended and claims 36 and 37 are newly added. Support for the instant amendments and new claims may be found throughout the embodiments disclosed in the as-filed Specification. No new matter has been added. Accordingly, claims 1-37 are pending, of which claims 1 and 20 are independent.

Reconsideration and allowance of the application based on the following remarks are respectfully requested.

### *Claim Objection*

Claim 27 was objected to for informalities. In particular, the Office Action alleges that the limitation "sputtering electrode" in line 2 lacks antecedent basis.

Applicant has amended claim 26, which claim 27 depends from, to depend from claim 23 which introduces the sputtering electrode limitation.

Accordingly, withdrawal of the objection to claim 27 is earnestly sought.

### *Rejection under 35 U.S.C. § 102*

Claims 1-35 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2006/0100094 to Boxhoorn et al. ("Boxhoorn"). Applicant traverses this rejection for at least the following reasons.

"A claims is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claims 1 and 20 recite, *inter alia*, that "... the functional layer has no catalytic function and forms a coating selected from the group consisting of anti-reflective, heat-resistant, and optical coatings."

The cited portions of Boxhoorn do not appear to teach these features.

For *at least* the foregoing reasons, Applicant submits that a case of anticipation has not been shown and that independent claims 1 and 20 are patentable over Boxhoorn. Dependent claims 2-19 and 20-35 depend from independent claims 1 and 20, respectively and are therefore, patentable for the same reasons as claims 1 and 20 and for the further features they recite individually.

Accordingly, the rejection of claims 1-35 under 35 U.S.C. § 102(e) over Boxhoorn should be withdrawn and the claims be allowed.

#### **New claims 36 and 37**

Claims 36 and 37 depend from independent claim 1, respectively and are therefore, patentable for the same reasons as claim 1, and for the further features they recite individually. Accordingly, claims 36 and 37 should be allowed.

## Conclusion

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

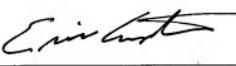
-----End of Original Remarks-----

Should the Office need to contact the Applicant's representative, the Office is invited to do so.

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Respectfully submitted,

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